



DOUGLAS A. DUCEY
GOVERNOR

STATE OF ARIZONA
OFFICE OF THE GOVERNOR

EXECUTIVE OFFICE

April 17, 2018

The Honorable Michele Reagan
Secretary of State
1700 W. Washington, 7th Floor
Phoenix, AZ 85007

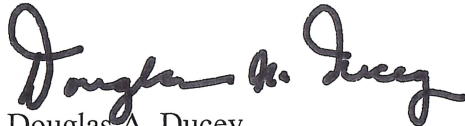
Dear Secretary Reagan:

I am transmitting to you the following bills from the Fifty-third Legislature, 2nd Regular Session, which I signed on April 17, 2018:

HB 2040 pharmacy board; definitions; reporting (Carter)
HB 2041 pharmacy board; licenses; permits (Carter)
HB 2065 public meetings; definition; penalties (Leach)
HB 2125 task force; towing safety (Shope)
HB 2126 government property; abatement; slum; blight (Leach)
HB 2249 protective orders; filing requirements (Farnsworth, E.)
HB 2250 physician assistants; prescribing authority; delegation (Carter)
HB 2257 radiation regulatory boards; repeal; DHS (Carter)
HB 2262 condominiums; termination; appraisals (Toma)
HB 2306 towing companies; insurance companies; owners (Campbell)
HB 2313 sentencing; monetary obligations; fine mitigation (Farnsworth, E.)
HB 2322 health insurers; provider credentialing (Carter)
HB 2327 federal officers; personal information; confidentiality (Farnsworth, E.)
HB 2334 liquor omnibus (Weninger)
HB 2411 health professionals; licensure; report (Mosley)
HB 2521 vehicle size, weight and load (John)
HB 2549 controlled substances; dosage limit (Carter)
HB 2550 contractor qualifications; work experience (Toma)
HB 2558 drug disposal; education (Cobb)
HB 2588 misrepresentation; service animals (Cook)

HB 2604 limited liability company act; revisions
SB 1065 commercial vehicles; ports of entry (Brophy McGee)
SB 1120 tax exemption; special events; nonprofits (Kavanagh)
SB 1152 education; appropriation; noncustodial federal monies (Allen, S.)
SB 1218 developmental homes; licensure; investigations (Brophy McGee)
SB 1264 gift cards; dormancy fee; prohibition (Yarbrough)
SB 1274 public monies; recovery; illegal payments (Petersen)
SB 1291 schools; pupil assessment data (Brophy McGee)
SB 1295 producer fees; insurance (Kavanagh)
SB 1400 aggravated DUI; sentence; county jail (Smith)
SB 1450 independent oversight committees; appointment; duties (Barto)

Sincerely,

A handwritten signature in black ink, reading "Douglas A. Ducey". The signature is fluid and cursive, with the first name "Douglas" being the most prominent.

Douglas A. Ducey
Governor
State of Arizona

cc: Senate Secretary
Chief Clerk of the House of Representatives
Arizona News Service

Senate Engrossed House Bill

FILED

MICHELE REAGAN

SECRETARY OF STATE

State of Arizona
House of Representatives
Fifty-third Legislature
Second Regular Session
2018

CHAPTER 236

HOUSE BILL 2306

AN ACT

AMENDING SECTION 28-4847, ARIZONA REVISED STATUTES; RELATING TO TOWING.

(TEXT OF BILL BEGINS ON NEXT PAGE)

1 Be it enacted by the Legislature of the State of Arizona:

2 Section 1. Section 28-4847, Arizona Revised Statutes, is amended to
3 read:

4 28-4847. Owners; insurance companies; release; fees; vehicle
5 repair facilities; applicability; violation;
6 classification; business practices; unlawful
7 practices; definition

8 A. A towing company shall release a towed vehicle to THE OWNER OR a
9 person designated in writing by an insurance company during normal
10 business hours on the day the request for release is provided to the
11 towing company, the detailed statement of charges is provided by the
12 towing company at no cost and payment for ~~at~~ ANY reasonable towing,
13 storage and related fees is received by the towing company. BEGINNING
14 JANUARY 1, 2019, OWNERS, INSURANCE COMPANIES, TOWING COMPANIES AND OTHER
15 PERSONS REQUESTING THE RELEASE OF A VEHICLE FROM A STORAGE LOT PURSUANT TO
16 THIS SECTION SHALL USE THE STANDARD FORM PRESCRIBED BY THE DEPARTMENT
17 PURSUANT TO THIS SECTION AND SHALL PRESENT PROOF OF OWNERSHIP PURSUANT TO
18 SECTION 28-4842, SUBSECTION E. The request for release shall be in
19 writing and:

20 1. IF APPLICABLE, shall indicate the name of the insurer as well as
21 the name, address, telephone number and fax number of a representative of
22 the insurer.

23 2. Shall include the name, address and telephone number of the
24 owner, the owner's written consent for release of the vehicle and the name
25 of the insured, if different from the owner.

26 3. IF APPLICABLE, shall include the insurer's claim number and the
27 name of the person to whom the insurer authorizes release of the vehicle.

28 4. IF APPLICABLE, shall be signed by the owner except as provided
29 in paragraph 6 of this subsection.

30 5. May be faxed, E-MAILED OR DELIVERED BY OTHER ELECTRONIC MEANS,
31 mailed or hand delivered to the towing company.

32 6. If the written consent of the owner is not obtained pursuant to
33 paragraph 2 of this subsection, the request for release shall include a
34 statement that the insurer has authorization from the vehicle owner to
35 remove the vehicle from the towing company's storage ~~premises~~ LOT.

36 7. Shall include a statement that the owner has been informed that
37 pursuant to this section the towing company is presumptively not
38 responsible for any loss of personal property or damage to the vehicle
39 that is not disclosed to the towing company before the insurer or the
40 insurer's authorized agent removes the vehicle from the towing company's
41 storage ~~premises~~ LOT. The notice shall also include a statement that the
42 owner or person designated in writing by the owner and witnessed by a
43 third party may inspect the vehicle at the towing company's storage
44 ~~premises~~ LOT DURING REGULAR BUSINESS HOURS, may remove any personal
45 property from the vehicle and may report any damage to the vehicle to the

1 towing company at the time of inspection. The towing company shall not
2 require payment for the removal of personal property that is inside the
3 vehicle if the removal is during business hours. For the purposes of this
4 paragraph, personal property does not include any vehicle parts, vehicle
5 equipment or vehicle accessories.

6 B. After an OWNER OR insurance company has completed a request for
7 release of a vehicle and before payment is made for the release of that
8 vehicle, the towing company shall provide to the OWNER OR insurance
9 company at no cost a detailed written statement of all charges for towing,
10 storage and related fees. IF BEFORE NOON ON A DAY THAT THE TOWING COMPANY
11 IS REQUIRED TO BE OPEN OR AVAILABLE BY APPOINTMENT PURSUANT TO SUBSECTION
12 N OF THIS SECTION, AN OWNER OR INSURANCE COMPANY REQUESTS A DETAILED
13 STATEMENT OF CHARGES, THE TOWING COMPANY SHALL PROVIDE A DETAILED
14 STATEMENT OF CHARGES BY THE CLOSE OF BUSINESS THAT DAY. THE ITEMIZED
15 CHARGES SHALL INCLUDE CHARGES FOR THE DAY OF THE REQUEST AND THE DAILY
16 RATE TO BE CHARGED IF THE VEHICLE IS TO BE RELEASED ON A LATER DAY. IF
17 THE TOWING COMPANY FAILS TO PROVIDE A DETAILED LIST OF CHARGES BY THE
18 CLOSE OF BUSINESS ON THE DAY OF THE REQUEST, THE TOWING COMPANY SHALL NOT
19 ASSESS ANY STORAGE CHARGES ON SUBSEQUENT DAYS UNTIL THE DAY THAT THE
20 TOWING COMPANY PROVIDES THE DETAILED STATEMENT OF CHARGES TO THE OWNER OR
21 INSURANCE COMPANY. AFTER THE OWNER OR INSURANCE COMPANY REQUESTS RELEASE
22 OF A VEHICLE, A TOWING COMPANY MAY NOT IMPOSE ANY ADDITIONAL FEES OR
23 CHARGES UNTIL THE TOWING COMPANY PROVIDES THE DETAILED WRITTEN STATEMENT.
24 AFTER THE TOWING COMPANY PROVIDES THE DETAILED WRITTEN STATEMENT,
25 additional storage charges may accrue until final payment is made and the
26 vehicle is removed from the ~~premises~~ LOT by the vehicle owner or the
27 insurance company or the person designated in writing by the insurance
28 company.

29 C. If the vehicle owner does not inspect the vehicle pursuant to
30 subsection A, paragraph 7 of this section before removal of the vehicle to
31 another ~~premises~~ LOT, or has inspected the vehicle and has had the
32 opportunity to remove personal property in the vehicle, a rebuttable
33 presumption shall be created that damage to the vehicle and any loss of
34 personal property in the vehicle occurred while the vehicle was not in the
35 custody of the towing company. The presumption may be overcome by a
36 preponderance of evidence to the contrary.

37 ~~D. Except for proration for partial days, a towing company shall~~
38 ~~not charge additional storage fees for a vehicle after a request for~~
39 ~~release and payment has been made pursuant to subsection A of this section~~
40 ~~if both of the following apply:~~

41 ~~1. The insurance company or its representative provides the written~~
42 ~~request for release as prescribed in this section.~~

43 ~~2. The insurance company or its representative removes the vehicle~~
44 ~~from the towing company's storage premises during normal business hours on~~
45 ~~the day the towing company receives the request for release.~~

1 D. AFTER AN ACCIDENT, A TOWING COMPANY SHALL TOW THE VEHICLE TO THE
2 CLOSEST STORAGE LOT DESIGNATED IN THE APPLICABLE CONTRACT UNLESS THERE IS
3 INSUFFICIENT CAPACITY IN THE CLOSEST STORAGE LOT OR THE OWNER DIRECTS THE
4 TOWING COMPANY TO TOW THE VEHICLE TO A DIFFERENT LOCATION OTHER THAN A
5 STORAGE LOT. IF AN OFFICER AT THE SCENE DIRECTS A VEHICLE TO BE TAKEN TO
6 ANOTHER SITE AS EVIDENCE IN A CRIMINAL ACTION OR FOR FUTURE CRIMINAL
7 INVESTIGATION, THE VEHICLE SHALL BE TAKEN TO THAT SITE.

8 E. A person in this state may choose any vehicle repair facility
9 for the repair of a motor vehicle. A person in this state may choose any
10 towing company or operator of a towing vehicle to transport a motor
11 vehicle from a towing company's storage ~~premises~~ LOT to a vehicle repair
12 facility. At the same time a towing company or operator of a towing
13 vehicle provides information about a vehicle repair facility, the company
14 or operator shall inform the person of both of the following:

15 1. The person's right to choose any vehicle repair facility for the
16 repair of a motor vehicle.

17 2. Any commonality of ownership between the vehicle repair facility
18 and either the towing company or the operator of the towing vehicle.

19 F. A towing company shall not tow or transport a vehicle from its
20 storage lot without the prior permission of the vehicle owner or the
21 insurance company. The towing company may move a vehicle between its own
22 storage lots without obtaining prior permission. The towing company shall
23 not charge any additional fee or other monies to a vehicle owner or an
24 insurance company as a result of any change in location of the vehicle
25 between its own storage lots.

26 G. A TOWING COMPANY MAY NOT:

27 1. FOR A PRIMARY TOW, CHARGE AN OWNER OR INSURANCE COMPANY ANY
28 AMOUNT IN EXCESS OF AN AMOUNT THAT IS AUTHORIZED PURSUANT TO THE CONTRACT
29 OR THIS SECTION. FOR PURPOSES OF THIS PARAGRAPH, "PRIMARY TOW":
30

31 (a) MEANS A VEHICLE TOW FROM THE SITE OF AN ACCIDENT TO A STORAGE
32 LOT OR OTHER LOCATION THAT IS DESIGNATED BY AN OWNER OR OFFICER PURSUANT
33 TO SUBSECTION D OF THIS SECTION.

34 (b) INCLUDES WORK RELATED TO A VEHICLE TOW AT THE ACCIDENT SCENE.

35 2. REFUSE TO RELEASE A VEHICLE TO AN OWNER OR INSURANCE COMPANY
36 AFTER THE OWNER OR INSURANCE COMPANY PRESENTS A REQUEST FOR RELEASE OF THE
37 VEHICLE PURSUANT TO SUBSECTION B OF THIS SECTION AND PAYS THE AUTHORIZED
38 FEES AND CHARGES.

39 ~~G.~~ H. A vehicle repair facility or any employee of a vehicle
40 repair facility shall not pay or agree to pay, and a towing company or any
41 employee of a towing company shall not accept or agree to accept, any
42 monies, fees, commissions, credits, gifts, gratuities, things of value or
43 other compensation that is provided directly or indirectly for the purpose
44 of inducing the towing company or any employee of a towing company to do
any of the following:

1 1. Attempt to intimidate, unreasonably persuade or induce the
2 person requesting the tow or transport of a vehicle to choose the services
3 of the vehicle repair facility recommended by the towing company.

4 2. Refuse to tow or transport the vehicle unless the person
5 requesting the tow or transport of a vehicle agrees to the vehicle repair
6 facility recommended by the towing company.

7 3. Deliver a vehicle to a vehicle repair facility other than the
8 vehicle repair facility chosen by the person requesting the tow or
9 transport of the vehicle.

10 4. Make an intentional misrepresentation regarding the condition of
11 the vehicle, the person's insurer or a specific vehicle repair facility.

12 ~~H. Unless otherwise directed by a law enforcement officer, the~~
13 ~~towing company shall tow the vehicle to one of the following locations, in~~
14 ~~the following order of priority:~~

15 ~~1. A location specified by the owner of the vehicle if the owner is~~
16 ~~present at the time of the tow and is capable of indicating the owner's~~
17 ~~preference.~~

18 ~~2. A vehicle storage yard designated in the contract under which~~
19 ~~the towing company has responsibility for towing the vehicle.~~

20 I. Subsection E of this section does not create a private right or
21 cause of action to or on behalf of any person.

22 J. This section does not create a cause of action or a right to
23 bring an action against a towing company for releasing a motor vehicle to
24 a person other than the owner if the written authorization as prescribed
25 in this section is provided to the towing company by the owner or an
26 insurance company.

27 K. This section only applies to tows resulting from motor vehicle
28 accidents.

29 L. A person who ~~violates this section~~ FAILS TO RELEASE A VEHICLE ON
30 RECEIPT OF THE OWNER'S OR INSURANCE COMPANY'S WRITTEN REQUEST FOR RELEASE
31 PURSUANT TO SUBSECTION B OF THIS SECTION AND PAYMENT OF AUTHORIZED TOWING
32 AND STORAGE FEES AND CHARGES is guilty of a petty offense. A person who
33 subsequently violates this ~~section~~ SUBSECTION within thirty-six months
34 after a prior violation of this ~~section~~ SUBSECTION is guilty of a class 3
35 misdemeanor.

36 M. THE REGISTERED OWNER PRESENTING PROOF OF OWNERSHIP PURSUANT TO
37 SECTION 28-4842, SUBSECTION E, THE INSURANCE COMPANY OR A PERSON
38 DESIGNATED IN WRITING BY THE OWNER MAY INSPECT THE VEHICLE AT THE TOWING
39 COMPANY'S STORAGE LOT DURING NORMAL BUSINESS HOURS, MAY REMOVE ANY
40 PERSONAL PROPERTY FROM THE VEHICLE AND MAY REPORT TO THE TOWING COMPANY AT
41 THE TIME OF INSPECTION ANY DAMAGE TO THE VEHICLE THAT IS ALLEGEDLY CAUSED
42 BY THE TOWING COMPANY. THE TOWING COMPANY MAY REQUIRE THE OWNER OR
43 INSURANCE COMPANY TO SIGN A RELEASE OF LIABILITY FOR THE REMOVAL OF
44 PERSONAL ITEMS FROM A VEHICLE. BEGINNING JANUARY 1, 2019, OWNERS,
45 INSURANCE COMPANIES, TOWING COMPANIES AND OTHER PERSONS WHO REMOVE

1 PERSONAL ITEMS FROM A VEHICLE PURSUANT TO THIS SECTION SHALL USE THE
2 STANDARD FORM PRESCRIBED BY THE DEPARTMENT PURSUANT TO THIS SECTION. THE
3 TOWING COMPANY MAY NOT REQUIRE PAYMENT FOR THE REMOVAL OF PERSONAL
4 PROPERTY THAT IS INSIDE THE VEHICLE IF THE INSPECTION AND REMOVAL OCCURS
5 DURING NORMAL BUSINESS HOURS. FOR THE PURPOSES OF THIS SUBSECTION,
6 PERSONAL PROPERTY DOES NOT INCLUDE VEHICLE PARTS, VEHICLE EQUIPMENT OR
7 VEHICLE ACCESSORIES.

8 N. A TOWING COMPANY SHALL IMPLEMENT THE FOLLOWING BUSINESS AND
9 BILLING PRACTICES:

10 1. FOR BILLING PURPOSES, A STORAGE DAY IS FROM MIDNIGHT OF ONE DAY
11 TO MIDNIGHT OF THE NEXT DAY.

12 2. THE TOWING COMPANY SHALL ALLOW A VEHICLE OWNER'S OR INSURANCE
13 COMPANY'S PAYMENT OF TOWING AND STORAGE FEES AND CHARGES TO BE MADE IN THE
14 FORM OF CASH, CREDIT CARD, DEBIT CARD, INSURANCE COMPANY-ISSUED CHECK OR
15 MONEY ORDER.

16 3. THE TOWING COMPANY'S STORAGE LOT MUST BE OPEN OR OTHERWISE
17 AVAILABLE BY APPOINTMENT TO PROVIDE CURRENT BILLING STATEMENTS TO VEHICLE
18 OWNERS AND INSURANCE COMPANIES AND BE OPEN TO THE PUBLIC OR BY APPOINTMENT
19 FOR RELEASING VEHICLES BETWEEN THE HOURS OF 9:00 A.M. AND 5:00 P.M. MONDAY
20 THROUGH FRIDAY, EXCLUDING HOLIDAYS.

21 4. EXCEPT AS PROVIDED IN PARAGRAPHS 1 THROUGH 3 OF THIS SUBSECTION,
22 ALL TOWING AND STORAGE FEES AND CHARGES, INCLUDING EXTRA CHARGES, SHALL BE
23 MADE PURSUANT TO THE TERMS OF THE APPLICABLE CONTRACT WITH THE
24 JURISDICTION GOVERNING THE TOW AND STORAGE.

25 5. STORAGE FEES AND CHARGES MAY NOT ACCRUE FOR ANY DAY WHEN THE
26 STORAGE LOT IS NOT OPEN OR AVAILABLE BY APPOINTMENT ON A DAY AND TIME
27 SPECIFIED IN PARAGRAPH 3 OF THIS SUBSECTION TO OBTAIN A DETAILED STATEMENT
28 OF CHARGES OR TO HAVE A VEHICLE RELEASED.

29 0. FOR TOWS THAT RESULT FROM A MOTOR VEHICLE ACCIDENT:

30 1. ALL ACTS OF EMPLOYEES OR CONTRACTORS OF A TOWING COMPANY WITHIN
31 THE SCOPE OF EMPLOYMENT ARE DEEMED TO BE ACTS OF THE TOWING COMPANY. AN
32 ACT OR PRACTICE IN VIOLATION OF THIS SECTION CONSTITUTES AN UNLAWFUL
33 PRACTICE UNDER SECTION 44-1522. THE ATTORNEY GENERAL MAY INVESTIGATE AND
34 TAKE APPROPRIATE ACTION AGAINST A TOWING COMPANY THAT VIOLATES THIS
35 SECTION AS PRESCRIBED BY TITLE 44, CHAPTER 10, ARTICLE 7 AND THE TOWING
36 COMPANY IS SUBJECT TO ANY OTHER CIVIL OR CRIMINAL ACTION, REMEDY AND
37 PENALTY PROVIDED BY LAW.

38 2. A LIEN DOES NOT EXIST IN FAVOR OF A TOWING COMPANY OR STORAGE
39 LOT FOR UNPAID TOWING OR STORAGE FEES OR CHARGES THAT ARE INCURRED. THIS
40 PARAGRAPH DOES NOT AFFECT THE APPLICABILITY OF SECTION 28-872, SUBSECTION
41 H, PARAGRAPH 2 AND SECTION 28-4842.

42 P. ON OR BEFORE DECEMBER 31, 2018, THE DEPARTMENT SHALL DEVELOP AND
43 PRESCRIBE THE FOLLOWING FORMS TO BE USED BY OWNERS, INSURANCE COMPANIES
44 AND OTHERS:

- 1 1. A RELEASE FORM TO RELEASE A VEHICLE FROM A TOWING COMPANY
2 STORAGE LOT PURSUANT TO THIS SECTION.
3 2. A RELEASE OF LIABILITY FORM RELATING TO THE REMOVAL OF PERSONAL
4 ITEMS FROM A VEHICLE LOCATED IN A TOWING COMPANY STORAGE LOT.
5 Q. THE DEPARTMENT MAY REVISE THE FORMS PRESCRIBED BY SUBSECTION P
6 OF THIS SECTION.
7 R. EXCEPT AS OTHERWISE PROVIDED IN THIS SECTION, THE PROVISIONS OF
8 A CONTRACT BETWEEN A TOWING COMPANY AND A JURISDICTION APPLY TO TOWING AND
9 STORAGE TRANSACTIONS.
10 ~~M.~~ S. For the purposes of this section:
11 1. "CONTRACT" MEANS THE CURRENT CONTRACTUAL AGREEMENT BETWEEN THE
12 TOWING COMPANY AND THE GOVERNMENTAL JURISDICTION IN WHICH THE ACCIDENT
13 OCCURS.
14 ~~1.~~ 2. ~~"Gift"~~ does not include an item of nominal value.
15 ~~2. "Owner" has the same meaning prescribed in section 28-101.~~

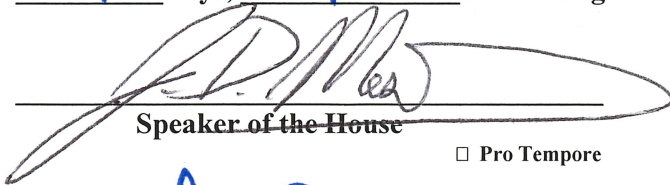
APPROVED BY THE GOVERNOR APRIL 17, 2018

FILED IN THE OFFICE OF THE SECRETARY OF STATE APRIL 17, 2018

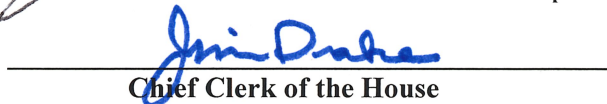
Passed the House February 22, 20 18

by the following vote: 55 Ayes,

1 Nays, 4 Not Voting


Speaker of the House

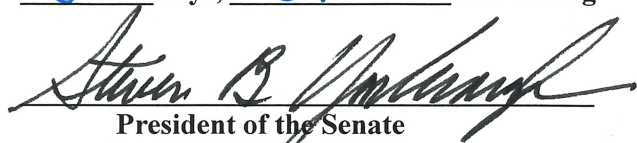
☐ Pro Tempore

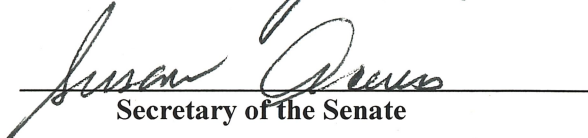

Chief Clerk of the House

Passed the Senate April 5, 20 18

by the following vote: 28 Ayes,

0 Nays, 2 Not Voting


President of the Senate


Secretary of the Senate

EXECUTIVE DEPARTMENT OF ARIZONA
OFFICE OF GOVERNOR

This Bill received by the Governor this

 day of , 20

at o'clock M.

Secretary to the Governor

Approved this day of

at o'clock M.

Governor of Arizona

EXECUTIVE DEPARTMENT OF ARIZONA
OFFICE OF SECRETARY OF STATE

This Bill received by the Secretary of State

this day of , 20

at o'clock M.

Secretary of State

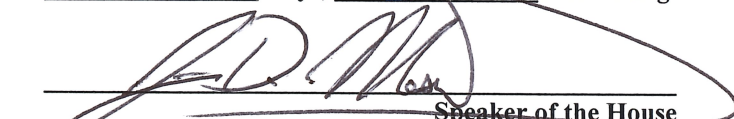
H.B. 2306

HOUSE CONCURS IN SENATE
AMENDMENTS AND FINAL PASSAGE

April 11, 20 18

by the following vote: 57 Ayes,

0 Nays, 3 Not Voting

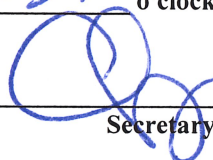

Speaker of the House
Jim Drache
Chief Clerk of the House

EXECUTIVE DEPARTMENT OF ARIZONA
OFFICE OF GOVERNOR

This Bill was received by the Governor this

11th day of April, 20 18

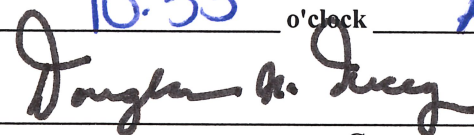
at 1:37 o'clock P M.


Secretary to the Governor

Approved this 17th day of

April, 20 18

at 10:33 o'clock A M.


Governor of Arizona

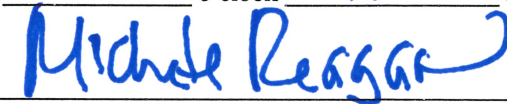
H.B. 2306

EXECUTIVE DEPARTMENT OF ARIZONA
OFFICE OF SECRETARY OF STATE

This Bill was received by the Secretary of State

this 17 day of April, 20 18

at 5:21 o'clock P. M.


Secretary of State